IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 5799 OF 2005

Vaidya Ningappa Dhondiba Kurle ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Dinesh Bhosale for Petitioner.

Mr. P.P. Kakade, A.G.P. for Respondents.

CORAM : F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATED : 6TH SEPTEMBER, 2005

P.C.

. Rule. By consent heard forthwith.

. The issue which arises in this petition, is covered by the judgement of this Court in Writ Petition No. 256 of 1999 dated 24.2.2005 which followed the earlier order passed in Writ Petition No. 5967 of 1999 which was disposed off on 10.12.2001. That judgement has followed another Division Bench in Writ Petition No. 5969 of 1991 which was disposed of by order dated 8.7.2000. Considering the above, petition can be disposed of in terms of Para 5 of the order passed in Writ Petition No. 596 of 1991 as under :

We find that on similar issue Writ Petition No. 5967 of 1991 was disposed of by order of this Court dated 10th December, 2001. That Judgement was followed by another division Bench which disposed of Writ Petition No. 5969 of 1991 by order dated July 8, 2002. Considering the above, the petition can be disposed of in terms of Paragraph 5 of the order passed in Writ Petition No. 5967 of 1991 as

under :-

(i) The concerned District Magistrate, Police Commissioner and Police Superintendents shall not prosecute such of the petitioners who practice medicine in accordance with Section 37 of the MMP Act, 1961. In other words, no action shall be taken against such of the Petitioners who fulfil the conditions as laid down in section 37 of the MMP Act, 1961 and they shall be permitted to practice in rural areas upon fulfilment of the conditions in sections 37 of the MMP Act, 1961.

(ii) However, if any of the Petitioners do not fulfil the requisite conditions under section 37 of the MMP Act, 1961, and pursue the practice in medicine in breach thereof, the aforesaid direction shall not come in the way of the concerned District Magistrates, Police Commissioners and Police Superintendents in taking appropriate action against such petitioners. Similarly, if any of the petitioners act otherwise in contravention of law by pursuing their medical practice, it would be open to the concerned authorities to take appropriate action against the petitioners.

(iii) Rule is disposed of in the aforesaid terms

with no orders as to costs. "

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)